

which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

“(5) No private right of action is created under this subsection.

“(6) No civil action may be brought under paragraph (1) against—

“(A) the United States;

“(B) an Indian Tribe or tribal organization, to the extent such tribe or tribal organization is lawfully carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act; or

“(C) any employee of the United States or such Indian tribe or tribal organization, provided such agent or employee is acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee therewith.”

(i) **FORFEITURE OF FACILITATING PROPERTY IN DRUG CASES.**—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

“(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.”

(j) **IMPORT AND EXPORT ACT.**—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4)—

(A) by striking “or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)”;

(B) by inserting “, or” before “less than one kilogram of hashish oil”; and

(C) striking “imprisoned” and all that follows through the end of the paragraph and inserting “sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).”;

(2) by adding at the end the following:

“(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

“(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

“(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3).”; and

(3) in paragraph (3), by striking “, nor shall a person so sentenced be eligible for parole during the term of such a sentence” in the final sentence.

(k) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(2) **DEFINITION OF PRACTICE OF TELEMEDICINE.**—

(A) **IN GENERAL.**—Until the earlier of 3 months after the date on which regulations are promulgated to carry out section 311(h) of the Controlled Substances Act, as amended by this Act, or 15 months after the date of enactment of this Act—

(i) the definition of the term “practice of telemedicine” in subparagraph (B) of this paragraph shall apply for purposes of the Controlled Substances Act; and

(ii) the definition of the term “practice of telemedicine” in section 102(54) of the Controlled Substances Act, as amended by this Act, shall not apply.

(B) **TEMPORARY PHASE-IN OF TELEMEDICINE REGULATION.**—During the period specified in subparagraph (A), the term “practice of telemedicine” means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), if the practitioner is using an interactive telecommunications system that satisfies the requirements of section 410.78(a)(3) of title 42, Code of Federal Regulations.

(C) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to create a precedent that any specific course of conduct constitutes the “practice of telemedicine” (as that term is defined in section 102(54) of the Controlled Substances Act, as amended by this Act) after the end of the period specified in subparagraph (A).

(1) **GUIDELINES AND REGULATIONS.**—

(1) **IN GENERAL.**—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this Act or the amendments made by this Act, and, with the concurrence of the Secretary of Health and Human Services where this Act or the amendments made by this Act so provides, promulgate any interim rules necessary for the implementation of this Act or the amendments made by this Act, prior to its effective date.

(2) **SENTENCING GUIDELINES.**—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this Act and the amendments made by this Act—

(A) shall consult with the Department of Justice, experts and other affected parties concerning which penalties for scheduled substances amended by this Act should be reflected in the Federal sentencing guidelines; and

(B) should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend a, or establish a new, guideline or policy statement.

(m) **ANNUAL REPORT.**—Not later than 180 days after the date of enactment of this Act, and annually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—

(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;

(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and

(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of controlled substances over the Internet without a valid prescription.

#### SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing, prohibiting, or limiting the use of electronic prescriptions for controlled substances.

#### NOTICE OF MEETING

Mrs. FEINSTEIN. Mr. President, I wish to announce that the organizational meeting for the Joint Congressional Committee on Inaugural Ceremonies will be held tomorrow, Wednesday, April 2, 2008, at 5:15 p.m., in room S-219 of the Capitol.

For further information regarding this meeting, please contact Howard Gantman at the Senate Committee on Rules and Administration, 224-6352.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 1, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on “Anti-Terrorism Financing: Progress Made and the Challenges Ahead”.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 2:30 p.m., to hold a closed briefing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Serious OSHA Violations: Strategies for Breaking Dangerous Patterns” on Tuesday, April 1, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed